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Collectibles LLC
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12 UNITED STATES DISTRICT COURT

13 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

14 BRIGHTON COLLECTIBLES, LLC,
a Delaware limited liability company,

15 Plaintiff,

16 vs.

17 MACY'S, INC., a Delaware
18 corporation,

19 Defendant.

Case No. 2:17-cv-04526

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Brighton Collectibles, LLC, as and for its complaint against
2 defendant Macy's, Inc., alleges as follows:

3 **PARTIES**

4 1. Plaintiff Brighton Collectibles, LLC ("Brighton" or "Plaintiff") is a
5 limited liability company organized and existing under the laws of the State of
6 Delaware, with its principal place of business in the County of Los Angeles.

7 2. Plaintiff is informed and believes, and thereon alleges, that defendant
8 Macy's, Inc. ("Macy's" or "Defendant") is a corporation organized and existing
9 under the laws of the State of Delaware, with its principal places of business in
10 Cincinnati, Ohio and New York, New York.

11 **JURISDICTION AND VENUE**

12 3. This Court has original jurisdiction under 28 U.S.C. sections 1331 and
13 1338 in that the claims herein arise under the federal Copyright Act.

14 4. This district is the proper venue because a substantial part of the events
15 and omissions giving rise to the claims herein occurred in this district, and
16 Defendant is subject to personal jurisdiction in this district.

17 **GENERAL ALLEGATIONS**

18 **A. Brighton is a Leading Designer, Manufacturer, and Distributor of**
19 **Women's Fashion Accessories.**

20 5. Brighton designs, manufactures, distributes, and sells women's fashion
21 accessories, including handbags, wallets, belts, sunglasses, watches, and jewelry.
22 For more than 25 years, Brighton has been continuously engaged in the designing,
23 manufacturing, distribution, and sale of fashion accessories that are marketed and
24 sold nationwide under the trademark "Brighton." Brighton employs over 500
25 people at a factory in the City of Industry, California, as well as hundreds of
26 personnel around the country.

27 6. Over the decades that Brighton has been in existence, Brighton fashion
28 accessories have gained a nationwide reputation for style and quality. Brighton is an

1 acknowledged industry leader, recognized for unique and innovative styling,
2 outstanding workmanship, and the use of high-quality materials. Brighton generally
3 sells its accessories through small “specialty” or “boutique” stores rather than
4 discount stores, big box retailers, or mail-order catalogues.

5 7. Brighton has created and is the exclusive owner of original designs
6 used in connection with its fashion accessories. Two of its original designs are the
7 “Reno Heart Bracelet” and “Reno Heart Necklace.” A full-time Brighton designer
8 created both designs in 2006 as part of Brighton’s Reno Heart collection, which
9 Brighton has marketed and sold continuously for more than a decade and continues
10 to market and sell today. Pictures of the Reno Heart Bracelet and Reno Heart
11 Necklace are attached hereto as Exhibit A and incorporated herein by this reference.

12 8. Brighton owns a copyright registration for the Reno Heart design, VA
13 1-928-936, effective October 20, 2014. A true and correct copy of the registration is
14 attached hereto as Exhibit B and incorporated herein by this reference.

15 **B. Macy’s Knowingly Markets and Sells Copies of Brighton’s Reno**
16 **Heart Bracelet and Reno Heart Necklace Designs.**

17 9. Macy’s has infringed on Brighton’s copyrights in the Reno Heart
18 Bracelet and Reno Heart Necklace by marketing, distributing, and selling, without
19 the permission or knowledge of Brighton, imitations of the Reno Heart Bracelet and
20 Reno Heart Necklace.

21 10. Pictures of Macy’s infringing products (the “Infringing Products”) are
22 attached hereto as Exhibit C and incorporated herein by this reference.

23 11. A photographic comparison of the Brighton Reno Heart Bracelet and
24 Macy’s infringing bracelet is attached hereto as Exhibit D and incorporated herein
25 by this reference.

26 12. A photographic comparison of the Brighton Reno Heart Necklace and
27 Macy’s infringing necklace is attached hereto as Exhibit E and incorporated herein
28 by this reference.

1 13. On May 24, 2017, Brighton sent Macy's a letter apprising Macy's of its
2 ongoing infringement and demanding that Macy's cease and desist. To date,
3 Macy's has not responded to the letter, and Macy's continues to market and sell the
4 Infringing Products.

5 14. Brighton is informed and believes, and thereon alleges, that Macy's has
6 received a direct financial benefit from marketing and selling the Infringing
7 Products, in an amount that is unknown to Brighton.

8 15. Brighton is informed and believes, and thereon alleges, that the
9 Infringing Products have been marketed and sold to a substantial number of
10 consumers, thus decreasing the uniqueness of Brighton's corresponding accessories.
11 As a result, Macy's marketing and sales of the Infringing Products has diluted and
12 damaged (and will continue to dilute and damage) Brighton's brand, reputation, and
13 goodwill.

14 16. Brighton is informed and believes, and thereon alleges, that Macy's
15 marketing, sale, and distribution of the Infringing Products has caused Brighton to
16 lose sales and profits.

17 17. Macy's acts have caused, and will continue to cause, irreparable harm
18 and injury to Brighton for which Brighton has no adequate remedy at law.
19 Accordingly, pursuant to 17 U.S.C. section 502, Macy's should be preliminarily and
20 permanently enjoined and restrained from directly or indirectly manufacturing,
21 distributing, importing, exporting, advertising, offering for sale, or selling any
22 product that copies Brighton's copyrights, including but not limited to the Infringing
23 Products. Brighton is further entitled to an order impounding and destroying all
24 infringing product in Macy's possession, custody or control.

25 **FIRST CLAIM FOR RELIEF**

26 **(Against Defendant for Copyright Infringement)**

27 18. Plaintiff re-alleges and incorporates herein by reference each and every
28 allegation set forth above in paragraphs 1 through 17, inclusive.

1 19. Plaintiff owns valid copyrights in the Reno Heart Bracelet and Reno
2 Heart Necklace, which are original works created by Plaintiff.

3 20. Plaintiff owns U.S. Copyright Office registration VA 1-928-936,
4 effective October 20, 2014, for the Reno Heart design. Plaintiff asserts that this
5 registration is adequate for purposes of suing for infringement of the entirety of the
6 Reno Heart Bracelet and Reno Heart Necklace designs. Alternatively, and in an
7 abundance of caution, Plaintiff has filed separate applications for the entirety of the
8 Reno Heart Bracelet and Reno Heart Necklace designs.

9 21. Defendant had access to Plaintiff's copyrighted designs, as established
10 by, among other things, the widespread availability of pictures of Plaintiff's
11 products incorporating those designs, the fact that Plaintiff's products are well
12 known in the industry and in the public, the fact that Plaintiff's products are
13 marketed and sold in thousands of retail stores throughout the country, and the fact
14 that the Infringing Products are strikingly similar in design to Plaintiff's copyrighted
15 designs.

16 22. Defendant infringed Plaintiff's copyrights by incorporating
17 substantially similar designs into its products, which are marketed and sold to
18 consumers, without Plaintiff's permission.

19 23. Defendant infringed Plaintiff's copyrights willfully.

20 24. Plaintiff is entitled to actual damages and Defendant's profits, in an
21 amount to be determined by proof.

22 25. Alternatively, Plaintiff is entitled to statutory damages in an amount no
23 less than \$150,000.

24 26. Defendant's acts have caused and will continue to cause irreparable
25 harm to Plaintiff unless restrained by this Court. Plaintiff has no adequate remedy at
26 law. Accordingly, Plaintiff is entitled to an order enjoining and restraining
27 Defendant, during the pendency of this action and permanently thereafter, from
28 manufacturing, distributing, importing, exporting, marketing, offering for sale, or

1 selling copies or substantially similar copies of Brighton's copyrighted designs.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiff prays for relief against Defendant as follows:

4 1. For preliminary and permanent injunctions enjoining and restraining
5 Defendant, her agents, employees, representatives, partners, joint venturers, and/or
6 anyone acting on behalf of or in concert with her, from designing, manufacturing,
7 importing, shipping, delivering, selling, marketing, displaying, advertising, or
8 promoting any product that incorporates designs substantially similar to the Reno
9 Heart Bracelet or Reno Heart Necklace;

10 2. For an order requiring the destruction of all of Defendant's Infringing
11 Products and all marketing, advertising, or promotional materials depicting
12 Defendant's Infringing Products;

13 3. For an accounting of all profits obtained by Defendant from sales of the
14 Infringing Products and an order that Defendant hold all such profits in a
15 constructive trust for the benefit of Plaintiff;

16 4. For an award to Plaintiff of all profits earned by Defendant from the
17 sale of the Infringing Products;

18 5. For compensatory damages according to proof;

19 6. For statutory damages of no less than \$150,000;

20 7. For pre-judgment interest on all damages awarded by this Court;

21 8. For reasonable attorney's fees and costs of suit incurred herein; and

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1 9. For such other and further relief as the Court deems just and proper.

2
3 Dated: June 19, 2017

BROWNE GEORGE ROSS LLP

Peter W. Ross

Keith J. Wesley

LAW OFFICES OF GARY FREEDMAN

Gary Freedman

7
8 By /s/ Keith J. Wesley

Keith J. Wesley

Attorneys for Plaintiff

Brighton Collectibles LLC

DEMAND FOR JURY TRIAL

Plaintiff Brighton Collectibles, LLC hereby demands a trial by jury.

Dated: June 19, 2017

BROWNE GEORGE ROSS LLP

Peter W. Ross

Keith J. Wesley

LAW OFFICES OF GARY FREEDMAN

Gary Freedman

By /s/ Keith J. Wesley

Keith J. Wesley

Attorneys for Plaintiff

Brighton Collectibles LLC